

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)	
)	
)	
v.)	I.D. Nos. 1709013589
)	1709013834
)	1709013763
WILLIAM H. PIATT JR.,)	1708022756
)	
Defendant.)	

ORDER

Submitted: June 13, 2023

Decided: August 9, 2023

AND NOW TO WIT, this 9th day of August, 2023, upon consideration of William H. Piatt Jr.’s (“Defendant”) Motion for Modification of Sentence, the sentence imposed upon the Defendant, and the record in this case, it appears to the Court that:

1. On March 19, 2018, Defendant pled guilty to three counts of Robbery First Degree, Attempted Robbery Second Degree, and Theft Over \$1,500.¹ On June 22, 2018, Defendant was sentenced to a total of eighty-two years at Level V, suspended after ten years, followed by transitioning levels of probation.² This

¹ Crim ID No. 1709013589, D.I. 7.

² As to the three counts of Robbery First Degree, Defendant received three sentences of twenty-five years at Level V, suspended after three years at Level V, for six months at Level IV DOC

included a minimum mandatory sentence of nine years for each count of Robbery First Degree.³

2. This Court has previously denied Defendant's requests for reduction of his Level V sentence, wherein he requested that his Robbery First Degree sentences be permitted to run concurrently, and to substitute his prison sentence with Key programming.⁴

3. On June 2, 2023, Defendant filed this Motion,⁵ again asking for a reduction of his Level V sentence.⁶ In support, he explains that he achieved many goals while incarcerated, including earning his high school diploma, the completion of numerous programs, and that he continues to improve himself.⁷

4. Although Defendant does not specifically cite to Superior Court Criminal Rule 35(b), "[t]here is no separate procedure, other than that which is provided under Superior Court Criminal Rule 35, to reduce or modify a sentence."⁸ The Court, therefore, considers this request under Superior Court Criminal Rule

Discretion (sentenced for the first count only), followed by two years at Level III. As to Robbery Second Degree, Defendant received five years at Level V, suspended after one year at Level V, for two years at Level III. As to Theft Over \$1,500, Defendant received two years at Level V, suspended for one year at Level III. Defendant's probation is to be served concurrently. Crim ID No. 1709013589, D.I. 20.

³ Crim ID No. 1709013589, D.I. 20.

⁴ Crim ID No. 1709013589, D.I. 22, D.I. 24.

⁵ Crim ID No. 1709013589, D.I. 26.

⁶ *Id.*

⁷ *Id.*

⁸ *Jones v. State*, 825 A.2d 238, 2003 WL 21210348, at *1 (Del. May 22, 2003) (Table).

35(b). For reasons previously stated, although the Court has wide discretion to reduce a sentence upon a timely Rule 35(b) application, which this is not, the Court has no authority to reduce or suspend the mandatory portion of any substantive minimum sentence.⁹

5. Further, “[t]he court will not consider repetitive requests for reduction of sentence.”¹⁰ Defendant’s request is again barred as repetitive. Rule 35 does not allow the Court to use its discretion to ignore this bar.¹¹

IT IS SO ORDERED that Defendant’s Motion for Modification is **SUMMARILY DISMISSED**.

/s/ Vivian L. Medinilla
Vivian L. Medinilla
Judge

oc: Prothonotary
cc: Department of Justice
Investigative Services
Defendant

⁹ *State v. Sturgis*, 947 A.2d 1087, 1092 (Del. 2008) (“Superior Court Rule of Criminal Procedure 35(b) provides no authority for a reduction or suspension of the mandatory portion of a substantive statutory minimum sentence.”) (emphasis in original).

¹⁰ Del. Super. Ct. Crim. R. 35(b).

¹¹ *State v. Culp*, 152 A.3d 141, 144 (Del. 2016). (reversing the Superior Court's decision to grant the defendant's motion for modification where the motion was repetitive and untimely).